

Message Text

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ORIGIN SS-25

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S/S - MR. BRIDGES

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FM SECSTATE WASHDC

TO USDEL SECRETARY IMMEDIATE

C O N F I D E N T I A L STATE 234619 TOSEC 270554

STADIS////////////////////////////////////

EXDIS FOR LORD EYES ONLY FROM BARTHOLOMEW

E.O. 11652:GDS

TAGS: PLOS

SUBJECT: PRESIDENTIAL LETTER TO 20 SENATORS ON LOS

1. BELOW IS TEXT OF PROPOSED PRESIDENTIAL LETTER IN REPLY
TO 20 SENATORS WHO WROTE TO THE PRESIDENT SAYING SRNT WAS
UNSATISFACTORY AND PROBABLY COULD NOT RECEIVE RATIFICATION
IN THE SENATE. DUE TO INSISTENCE AT WHITE HOUSE, REPLY
WILL BE GOING FORWARD FROM STATE MORNING OF 9/23; IF YOU
HAVE ANY PROBLEMS, LET US KNOW ASAP. DRAFT HAS BEEN CLEARED
BY ALL CONCERNED BUREAUS INCLUDING EB, D/LOS, OES AND L.
LANGUAGE IS CLOSE TO WHITE HOUSE PRESS PAPER AND SECRETARY'S
LOS STATEMENT AT END OF SESSION.

2. WE ARE NOW AT WORK ON LOS FORWARD LOOK PAPER BUT IT WILL
NOT BE READY UNTIL WEEK-END AT EARLIEST. FORMAL HEARINGS
ON LOS ON HILL ARE NOT GOING TO BE HELD, BUT "INFORMAL"
BRIEFINGS WILL PROBABLY TAKE PLACE. WASHINGTON POST EDI-
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TORIAL OF 9/21/76 ON LOS SESSION BASICALLY FAVORABLE TO OUR

POSITION. NO PUBLIC CRITICISM OF LOS HAS SURFACED IN PUBLIC YET. KLEPPE DID SUPPORT UNILATERAL LEGISLATION BUT PRESS DID NOT PICK IT UP. NSC HAS INSTRUCTED ALL AGENCIES

CONCERNED TO CLEAR PUBLIC STATEMENTS ON SEABED MINING THROUGH UNDER SECRETARIES COMMITTEE AND OTHER APPROPRIATE MECHANISMS.

3. FOR TIME BEING, D/LOS IS "STABILIZED" AND PRODUCTIVELY AT WORK. WHETHER THIS LASTS WILL DEPEND IN LARGE PART ON ORGANIZATIONAL DECISIONS RE LOCUS ON 7TH FLOOR WHICH SHOULD NOT BE DEFERRED LONG AFTER RETURN OF SECRETARY.

4. BEGIN TEXT OF PROPOSED PRESIDENTIAL LETTER:

DEAR SENATOR METCALF:

IN YOUR LETTER OF SEPTEMBER 9, YOU AND YOUR COLLEAGUES RAISED MATTERS OF FUNDAMENTAL IMPORTANCE TO THE UNITED STATES IN THE LAW OF THE SEA CONFERENCE. I SHARE MANY OF THE CONCERNS YOU EXPRESSED ABOUT THE PROVISIONS OF THE REVISED SINGLE NEGOTIATING TEXT AS THEY RELATE TO DEEP SEABED MINING.

5. THE REVISED TEXT WHICH RESULTED FROM THE SPRING SESSION OF THE LAW OF THE SEA CONFERENCE, IS FUNDAMENTALLY DIFFERENT IN RESPECT TO PROVISIONS ON DEEP SEABED MINING FROM THE DOCUMENT ISSUED A YEAR BEFORE AFTER THE GENEVA NEGOTIATING SESSION. IT IS CLEARLY AN IMPROVEMENT OVER THE GENEVA TEXT AS FAR AS US DEEP SEABED MINING INTERESTS ARE CONCERNED. NEVERTHELESS, THE REVISED TEXT IS DEFICIENT IN A NUMBER OF RESPECTS AND REQUIRES CHANGES BEFORE IT CAN BE ACCEPTED BY THE UNITED STATES.

6. THE RECENTLY CONCLUDED SESSION OF THE LAW OF THE SEA CONFERENCE DID NOT, UNFORTUNATELY, RESOLVE THE MAJOR OUTSTANDING DEEP SEABED MINING ISSUES. THE UNITED STATES DELEGATION MADE A VIGOROUS EFFORT TO PERSUADE THE CONFERENCE TO IMPROVE THE REVISED TEXT IN THE DIRECTION OF ASSURED ACCESS TO DEEP SEABED RESOURCES BY ALL NATIONS AND

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THEIR CITIZENS. REGRETABLY, SOME DELEGATIONS CHOSE TACTICS OF CONFRONTATION, AND THE RELEVANT CONFERENCE COMMITTEE ADDRESSED ONLY ONE ISSUE--THE SYSTEM OF EXPLOITATION OF THE DEEP SEABED. THAT COMMITTEE DID NOT HAVE TIME TO DEAL WITH OTHER ISSUES OF IMPORTANCE TO THE UNITED STATES AMONG THEM THE ISSUES YOU HAVE RAISED, SINCE MANY DELEGATIONS INSISTED UPON REOPENING BASIC ISSUES.

7. AS YOU KNOW, SECRETARY KISSINGER HAS MADE A SET OF PROPOSALS AS A PACKAGE WHICH INCLUDED GUARANTEED ACCESS IN ALL ITS ASPECTS TO DEEP SEABED MINING SITES BY ALL NATIONS AND THEIR CITIZENS ALONG WITH FINANCIAL ARRANGEMENTS TO

ENABLE THE PROPOSED ENTERPRISE TO GET INTO BUSINESS ON A NON-DISCRIMINATORY, AND COMPETITIVE BASIS. WE INTEND TO FOLLOW UP THIS INITIATIVE AT THE NEXT SESSION. WHILE THE CONFERENCE SESSION ENDED WITHOUT A CHANGE IN THE REVISED TEXT, THERE WAS A MARKED IMPROVEMENT IN THE NEGOTIATING ATMOSPHERE AND A GROWING APPRECIATION BY ALL DELEGATIONS THAT THERE MUST BE A MORE CONSTRUCTIVE APPROACH TO THE ENTIRE COMPLEX OF ISSUES INVOLVED IN THE SYSTEM OF EXPLOITATION.

8. THE CONFERENCE HAS DECIDED TO CONTINUE ITS WORK NEXT SPRING. DURING THE INTERSESSIONAL PERIOD WE WILL MAKE EVERY REASONABLE EFFORT TO DEMONSTRATE THE PRACTICALITY AND FAIRNESS OF THE US PROPOSALS. WE WILL ALSO CONTINUE TO STRIVE TO ENSURE THAT US INTERESTS IN THE RESOURCES OF THE DEEP SEABED ARE FULLY PROTECTED.

9. I REMAIN CONVINCED THAT THE INTERESTS OF THE UNITED STATES IN THE OCEANS ARE BEST SERVED BY A COMPREHENSIVE LAW OF THE SEA TREATY WHICH SAFEGUARDS OUR VITAL INTERESTS, NOT ONLY IN THE DEEP SEABED BUT IN OTHER IMPORTANT RESPECTS.

AS AMERICANS, WE MUST ALL REMEMBER THAT MUCH MORE THAN DEEP SEABED MINING IS INVOLVED IN A LAW OF THE SEA TREATY, AND THAT CHALLENGES TO AMERICA'S OCEANS INTERESTS CAN AND DO OCCUR IN THE ABSENCE OF A TREATY.

10. I BELIEVE THAT THE OUTSTANDING ISSUES CAN BE EQUITABLY
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SOLVED, AND WE WILL DO OUR FULL PART TO RESOLVE THEM. BUT WE EXPECT THIS SPIRIT OF GOOD WILL TO BE RECIPROCATED. I THEREFORE FULLY ENDORSE SECRETARY KISSINGER'S STATEMENT AT THE END OF THE LAST SESSION THAT THERE ARE LIMITS BEYOND WHICH THE UNITED STATES WILL NOT GO AND THAT WE ARE CLOSE TO SUCH LIMITS NOW.

11. THE ADMINISTRATION VALUES THE INTEREST AND SUPPORT OF THE CONGRESS IN THE LAW OF THE SEA CONFERENCE, AND WE WILL CONSULT CLOSELY AND REGULARLY ON THE ISSUES OF THE CONFERENCE. I ASSURE YOU THAT THERE WILL BE NO COMPROMISE OF THE VITAL INTERESTS OF THE UNITED STATES, WHETHER THEY AFFECT OUR ECONOMIC WELL BEING, OUR SECURITY POSTURE OR OTHER ESSENTIAL CONCERNS OF ALL OUR CITIZENS IN THE USE OF THE OCEANS. END TEXT HABIB

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